

March 19, 2009

MT House Judiciary Committee

Re: Support for SB 221

Members of the Committee:

My name is Colin Berry, and as a former Montana resident, I thank you for this opportunity to testify in support of SB 221. I have a Masters degree in Animals and Public Policy and have been published in Animal Law Journal on the subject of animal hoarding. It has come to my attention that this study, "Long-term outcomes in Animal Hoarding Cases",¹ has been cited in an argument against SB 221. As one of the co-authors, I would like to address the misinformation that was presented.

It was stated that "States and municipalities find that laws such as SB221 result in 'less than satisfactory resolution and do little to prevent recidivism'."

Unfortunately, the quoted segment was taken out of context and falsely construed. Framed by the section in which it is written, the referenced phrase actually supports SB 221 by suggesting that hoarding must be explicitly defined in animal protection statutes and not just addressed with a medley of violations:

Agencies are equally baffled regarding how to legally address animal hoarders. Because the same approach cannot be applied to every case, it is often easier for agencies to simply turn their heads and ignore the situationⁱⁱ. . . Some municipalities may avoid such ambiguity by using a hodgepodge of pet limitation, animal licensing, dangerous animal, and rabies vaccination ordinances; health, zoning, and fire safety codes; wildlife statutes; and agriculture or market codes to intervene.ⁱⁱⁱ Unfortunately, these laws address neither the scope of hoarding conditions nor the multidimensional complexity of dealing with animal hoarders. Thus, they often result in a less than satisfactory resolution and do little to prevent recidivism.

The following was also stated in an argument against SB 221: "Although often able to provide verdict and sentencing information few courts are able to say if hoarders have fulfilled sentences." This comment references a section of our study which details the pitfalls of specific cases under this study's review. Again, the reference is misleading. The study does not state that it was the courts who were unable to provide follow-up information. In reality those who were unable to confirm whether a convicted hoarder had fulfilled the sentence were actually a combination of public officials, including animal control, attorneys, social workers, and more. This does little more than point out a lack of

communication and cooperation between agencies and indicate a strong need for improved accountability. It does not discount the need for SB 221. In fact, the Angell Report, a result of a forum of animal hoarding experts from across the country, indicates that "despite the limitation of prosecution, the criminal justice approach can contribute much to improved accountability in cases of animal hoarders."^{iv}

Accountability can also be enforced with the requirement of a psychological or psychiatric examination. This would allow mental health professionals to explore both the specific relationship between a hoarder and the hoarded animals^v and the underlying motivation for the behavior. It also sets the stage for a custom treatment plan, which is critical since animal hoarding does not lend itself to a one-size-fits-all solution.

Clearly, animal hoarding is a complex issue that demands a diverse set of response tools. Simply removing the animals from a hoarder does not solve the problem. Therefore, I urge you to vote in support of SB 221 because criminal accountability and psychological or psychiatric examination and treatment must be components of this critical toolkit.

Thank you.

Colin Berry

ⁱ Berry, et al., "Long-term outcomes in animal cases," *Animal Law*, 11: 167-194 (2005).

ⁱⁱ Arnold Arluke et al., *Press Reports of Animal Hoarding*, 10 *Society & Animals* 113, 130-32 (2002); Samantha Mullen, *Animal Collectors, Unlimited*, 9 *American Humane Association. Advoc.* 18, 21 (Summer 1991).

ⁱⁱⁱ Geoffrey L. Handy, *Handling Animal Collectors, Part 2: Managing a Large-Scale Animal Rescue Operation*, 17 *Shelter Sense* 3, 7-8 (July 1994).

^{iv} Gary J. Patronek, et al., *Animal Hoarding: Structuring Interdisciplinary Responses to Help People, Animals, and Communities at Risk*, 22 (2006).

^v *Id.* at 24.